

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TIMOTHY D. KANE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 07 C 6590
	)	
RAYMOND GILBERT and	)	Judge George W. Lindberg
JOSEPH PAAVILAINEN,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR A QUALIFIED PROTECTIVE ORDER  
AND AUTHORIZATION FOR THE RELEASE OF HEALTH RECORDS**

RAYMOND GILBERT and JOSEPH PAAVILAINEN, defendants, by Daniel P. Field, their attorney, respectfully move, pursuant to 42 U.S.C. § 1320d and 45 CFR Parts 160 and 164 (HIPAA), that this court enter a qualified protective order and in support thereof, state as follows:

1. Plaintiff has filed a case alleging a violation of his constitutional rights and seeking compensation for physical injuries.
2. Plaintiff was examined at the scene of the events alleged in his complaint by paramedics of the Beach Park Fire Protection District which agency then transported plaintiff from the scene of the occurrence to Victory Memorial Hospital in Waukegan for examination and treatment of injuries plaintiff sustained in the occurrence.
3. Thereafter plaintiff was detained in the Lake County Jail until his commitment to the Illinois Department of Corrections and while detained was examined and treated by agents or employees of Health Professionals Limited, the entity which has the contract to provide medical services to detainees in the Lake County Jail.
4. The defendants, treating physicians, hospitals, paramedics and any other health care

providers to be disclosed by the plaintiff in this case are all “covered entities” as defined by 45 CFR 160.103. HIPAA prohibits covered entities from disclosing protected health information in judicial proceedings other than by authorization or qualified protective order, 45 CFR 164.512(e)

5. These covered entities are all in possession of “protected health information” (“PHI”) as defined by 45 CFR 160.103 and 160.501, in the form of medical records (imaging, test results, insurance documents, notes, orders, labs, correspondence, pathology, etc.) pertaining to Timothy Kane.

6. The defense of this case will require that the defendants, their attorneys, their attorney’s agents, consultants and various witnesses and other personnel receive and review copies of the PHI pertaining to Timothy Kane, which is in the treating provider’s possession.

WHEREFORE, RAYMOND GILBERT and JOSEPH PAAVILAINEN, defendants, respectfully request that this court enter the proposed order permitting the use and disclosure of PHI created or received by any covered entity that has provided health care to Timothy Kane for any purpose connected with the pending litigation.

Respectfully submitted,

RAYMOND GILBERT and JOSEPH  
PAAVILAINEN, defendants

By: s/ Daniel P. Field

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